IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION.

FIRST APPEAL NO.396 OF 2002.

WITH

CIVIL APPLICATION NO.1734 OF 2002.

Afzal Shahjehan Maner & ors. : Appellants.

versus

Konadji Husen Maner : Respondent.

Mr.S.S.Patwardhan for the appellants.

Mr.Anil Kumar Patil for the respondent.

CORAM : D.G.DESHPANDE,J.

DATED : 14th June 2005.

ORAL ORDER

1. Heard advocates for the appellants and respondent. A decree of specific performance was passed by the trial court against the appellants. Counsel for the appellants contended that Issar pawati was not executed by the appellant.

However, the appellant did not appear before the trial court, did not file their written statement, did not raise any triable issue, even did not give any reply to the notice given by the plaintiffs before institution of suit and, lastly as directed by this court, they have not deposited Rs.Two lacs. There is therefore no reason to interfere with. Hence the appeal is dismissed with civil application.

[D.G.DESHPANDE]

14/06/2005 JUDGE.